

Honolulu High-Capacity Transit Corridor Project
Programmatic Agreement Between the Federal Transit Administration,
Hawaii State Historic Preservation Officer and Advisory Council on Historic
Preservation

Section 106 Consulting Parties Meeting - No. 3

PB Americas Office, 1001 Bishop Street, Suite 2400
Wednesday, September 2, 2009
10:00 a.m.

Meeting Notes

Attendees

ACHP – Charlene Dwin Vaughn, Blythe Semmer (call-in)
AIA Honolulu - Jeff Nishi, Spencer Leineweber
City Corporation Counsel: Jesse Souki
Cultural Surveys Hawaii: Matt McDermott, Hal Hammett
City Department of Planning and Permitting (DPP): Terrance Ware, Kathy Sokugawa
FTA: Ted Matley, Joe Ossi, Ray Sukys, Jim Barr, Carl Bausch, Liz Velasco (all call-in)
Hawaiian Civic Clubs: Ko’olaupoko/Mahealani Cypher and Elizabeth Lau; Prince Kuhio/
Chasmin Sokoloski
Historic Hawaii Foundation (HHF) - Katie Kastner
National Parks Service, Pacific West Region (NTHP) – Frank Hays, Melia Lane-
Kamahele, Elaine Jackson-Retondo (call-in)
National Trust for Historic Preservation (NTHP) - Brian Turner, Elizabeth Merritt (call-
in)
Oahu Island Burial Council – Kehau Abad, Kawika McKeague, Hinalaimoana Falemei
Office of Hawaiian Affairs - Keola Lindsay
RTD Project Team: Faith Miyamoto, Lawrence Spurgeon, Stephanie Foell
State Historic Preservation Division – Pua Aiu, Susan Tasaki (call-in)
Moderator: Leland Chang

A. Welcome and Introductions

- Leland Chang welcomed the consulting party (CP) participants and agencies.
- Self introductions were made by each representative.

Meeting Purpose and Guiding Principles of Programmatic Agreement (PA)
Process

- The purpose of this third meeting is to continue consultation with the CPs concerning development and finalization of the PA.
- The following ground rules for exchanging ideas and facilitating discussion were proposed:
 - remain purposeful and calm
 - listen and hear what others have to say
 - identify how each party can meet the needs of the other parties and their own agency/organization

- look for areas of compromise

B. Opening Statements

Leland invited each participant to state their goals for development of the PA.

- OIBC [Hinalaimoana Falemei]
 - Thank you for the opportunity to participate in this process.
- SHPD [Pua Aiu]
 - Define what is “reasonable” mitigation. Far apart at this point.
 - Looking forward to resolution.
- ACHP [Blythe Semmer]
 - A letter has been sent from ACHP to FTA concerning focus of the PA.
 - There is a perception that information flow is difficult.
 - Need to understand how FTA’s regulations apply to this project.
 - Engaging the CPs in this process is key; ACHP looks forward to this in the discussions.
 - Need to know why certain decisions were/are made.
 - Would like to see unresolved issues concluded, such as in general approach to mitigation before we move on to the specifics.
 - ACHP rarely notifies the head of an agency during the consultation process. However, the ongoing consultation has prompted the ACHP to approach the agency head
 - Need to ensure that the goals of the process are clear.
 - Establish what measures will be taken to get information to and from the concerned parties.
 - Encouraged that this meeting will allow some of these issues to be resolved.
- Working Group – HHF, NTHP, AIA Honolulu, NPS [Frank Hays spokesperson]
 - List of questions for FTA concerning their role and how would they approve this process.
 - Need an understanding of FTA’s policies relating to Section 106.
 - Need to think about direct and indirect impacts, public history, and the ability to understand and appreciate the history of those sites along the corridor. Level of impacts; direct and indirect, establish talking points and present to group.
 - Matrix was developed to provide a coherent list of measures being proposed.
 - CPs need to weigh-in on number of studies to be completed within PA.
 - Additional questions regarding where we are in the process – are we being pushed in this consultation process?
- Project Team [Lawrence Spurgeon]
 - Provided background on Section 106 process to date: establishment of APE, Eligibility Determination and Determination of Effects.
 - CPs have been provided all Section 106 documents submitted to SHPD for review
 - We have been listening to the CPs and have heard a lot of input over the last month.

- Dec 2007 – APE concurrence (except for cultural landscape). Moving forward using SHPD’s accepted Area of Potential Effects (APE).
- Cultural landscape studies and properties have a larger APE than architectural and historic properties.
- Aug 2008 – Draft determination of eligible resources was sent to all CPs for comment and received input. (See handout summary of CP input received to date.)
- Dec 2008 - Draft determination of effects on the archaeological resources. A new study report on historic effects was prepared, which was sent out in April 2009. Report represented all discussions to date on 22 resources and acknowledged the potential for cumulative effects within APE. 11 additional resources accepted from SHPD for a total of 33 adverse effects. As the process went on, discussions continued with CPs.
- RTD attempted to incorporate all concerns expressed by the CPs who provided input into the draft PA. However, the specific plans were rejected by SHPD as they felt we needed flexibility to address concerns throughout the Project life and did not want to limit the mitigation efforts.
- Measures to minimize harm have been incorporated into Project design.
- Phase-related mitigation has been generally discussed.
- The latest copy of the PA includes all the information forged from the last few meetings with the CPs and SHPD. We are looking forward to a successful discussion. [Faith Miyamoto]
- FTA [Ted Matley]
 - FTA has been requested to provide guidance on the PA process, which was distributed earlier this week.
 - FTA has a fiscal responsibility to ensure mitigation is appropriate to the impacts identified within the APE.
 - Cannot commit to mitigation of unsure/undefined impacts. Specific and immediate impacts of the Project should be mitigated.
 - Where speculative impacts are not easily understood, a commitment to mitigation is not supported.
 - National Register properties. Looking for the connection between the mitigation measure proposed and the actual impact of the Project. FTA cannot provide funds for those broad solutions; that cannot be directly identified. [FTA HQ]
 - Arts and transit. Displays within APE that are indicative of historic effects and historic places as part of the transit Project itself may be a bonafide expense that FTA would consider.
 - Questions to consider:
 - Have we identified an impact that is specific and directly attributable to the Project?

- What role does the Project really play in that impact? What is the appropriate mitigation measure for the Project's contribution to the impact?
- Hawaiian Civic Clubs [Mahealani Cypher]
 - Remember Hawaiian culture
 - Disagree with FTA that some mitigation is inappropriate.
 - No mitigation at islandwide level is at issue.
 - Want to preserve Hawaiian heritage including Windward side of island.
- C. Guiding Principles / Standards for Evaluating PA Elements [Leland Chang]
 - Review of handout: *Stated Principles and Standards for Evaluation of PA Elements*.
 - Added: Consider alternative mitigation.
 - Item K of PA: NTHP expressed concern that process could stifle and inhibit what is proposed for mitigation. Need to allow "give and take".
 - Not everything has a dollar value.
 - Discussion –
 - AIA - What is the intention? We need some sort of yard stick to evaluate the measures. We would like to look into additional alternatives. This could be part of the brainstorming session.
 - NTHP: Can we define appropriate use of project federal funds.
 - ACHP: We should recognize that not all mitigation requires Project funding.
 - Association of Hawaiian Civic Clubs: We want to focus on solutions.
- D. Outstanding Elements and Issues
 - *Please refer to memorandum from Leland Chang on easel notes from today's session.*
- E. Solution Finding Brainstorm on Outstanding Elements
 - *Please refer to memorandum from Leland Chang on easel notes from today's session on outstanding issues.* A total of 18 issues were identified by the group.
- F. Possibilities Discussion
 - *Please refer to memorandum from Leland Chang on easel notes from today's session.*
 - Revisit project alternatives: elevated vs. at-grade.
- G. Next Steps
 - Next meeting (No. 4): September 3, 2009 at PB Americas Office, 1001 Bishop Street, Suite 2400 – 8 a.m.
 - Prioritize list of outstanding issues
 - Provide better definition of issues.
- H. Meeting Adjourned.